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UNITED STATES DEPARTMENT OF INTERIOR
US FISHERIES AND WILDLIFE SERVICE
ENDANGERED SPECIES ACT PUBLIC HEARING
WOLF DELISTING PROPOSAL

Public hearing, taken by Tammy M. Smith, a Notary Public in and for the State of Maine on October 20, 2004 at the Best Western Black Bear Inn and Conference Center, 4 Godfrey Boulevard, Orono, Maine commencing at 7:00 p.m. pursuant to notice given.

APPEARANCES:

MICHAEL G. THABAULT
Assistant Regional Director Ecological Services
Northeast Region

MICHAEL J. AMARAL
Senior Endangered Species Specialist
Northeast Office

MARTIN MILLER
Endangered Species Coordinator
Northeast Region

RONALD L. REFSNIDER
Regional Listing Coordinator
Division of Endangered Species

GORDON W. RUSSELL
Supervisor
Maine Field Office

Tammy M. Smith
PEARSON REPORTING, INC.
Post Office Box 1538
Bangor, Maine 04402-1538
207-945-6880

1 MR. THABAULT: Good evening. On behalf
2 of the Fish and Wildlife Service, I would
3 like to welcome you to this public hearing.
4 The purpose of this hearing is to receive
5 comments from the public to the Fish and
6 Wildlife Service proposal to delist the
7 threatened eastern population, distinct
8 population, of the wolf. My name is Michael
9 Thabault. I'm the assistant regional
10 director for ecological services of the Fish
11 and Wildlife Service in Hadley, Massachusetts
12 and for the northeast region. I will serve
13 as the presiding official for this hearing.

14 Ms. Tammy Smith will be the court
15 reporter. All comments will be recorded and
16 will be made available to the public. We
17 will prepare a written record of all
18 statements made at this hearing, and the
19 transcript of that hearing will be posted on
20 Midwest regional office's website. That
21 information is with the public outreach
22 material you received earlier in the evening.

23 I would again like to reintroduce the
24 Fish Wildlife Service staff that are here to
25 assist in this hearing for those that showed

1 up late. I would particularly like to thank
2 Gordon Russell who is the field supervisor
3 here in Maine and his staff for helping put
4 on the meeting. Martin Miller is the
5 division chief for endangered species in the
6 regional office in Massachusetts. Michael
7 Amaral is the endangered species specialist
8 and wolf lead for the northeast region in our
9 New England field office in Concord. Ron
10 Refsnider is with our threatened and
11 endangered species office in our Minnesota
12 regional office and the Great Lakes region.
13 He's also the national lead for wolf listing
14 and recovery issues for the service
15 nationwide. I would also like to thank Mark
16 McCollough for being here tonight.

17 This is a public hearing under Section 4
18 of the Endangered Species Act. Notice of the
19 proposal to remove the gray wolf in the
20 Eastern United States from endangered to
21 threatened from the endangered and threatened
22 wildlife. A 120-day comment period was
23 published in the Federal Register on July 21,
24 2004 beginning on Page 43664. Convening
25 public hearings is one of the methods that

1 the Fish and Wildlife Service uses to solicit
2 data and comments from the public on a
3 proposal. No final decision has yet been
4 made regarding this proposal, nor will any
5 decision be made at this hearing. Public
6 comments on the proposal will be accepted
7 through November 18th, 2004; and after review
8 of the consideration and the administrative
9 record, your comments, your interpretations,
10 existing data and all other information
11 gathered during the comment period, Fish and
12 Wildlife Service will make a final decision
13 on the proposal. Information that you
14 provide in your comments this evening will
15 become of that administrative record and will
16 be considered by the Fish and Wildlife
17 Service in their decision-making process.

18 The two tables came in. We have
19 registration. For those of you that wanted
20 to speak, hopefully you filled out a green
21 card. If you did not and still want to
22 speak, please see Fish and Wildlife Service
23 staff to do that.

24 After I give elected officials and
25 state, federal officials and tribal entities

1 the opportunity to present a comment, I will
2 call you all up in the order that we received
3 your card. I'll be calling you by name to
4 present your comments at the microphone at
5 the podium in front. When I call your name
6 to present your comments, please come to the
7 microphone. When you be begin, please state
8 your name in full, spell it and identify any
9 organization you represent for the benefit of
10 the court reporter. You may gave to me or to
11 any Fish and Wildlife Service staff here any
12 written comments that you have provided or
13 brought with you today, and those will also
14 be made part of the hearing record.

15 My job is to help you stay on issue and
16 not to stray off into other Fish and Wildlife
17 Service activities and keep your comments
18 focused on this proposal for this particular
19 action that's in front of us today relative
20 to the wolf. We will give everybody an
21 opportunity to speak for five minutes, and
22 we'll see how the time goes. We may recess
23 and go off the record or if you have more to
24 say, after everybody's had at least an
25 opportunity to present, if you want to come

1 forward again to provide some additional
2 comments, we'll try to make that opportunity
3 available to you to do that.

4 This is an informal hearing; and
5 therefore, you will not be questioned or
6 cross-examined in connection with your
7 comments. This hearing is solely intended to
8 obtain comments from you so that the Fish and
9 Wildlife Service can consider them when
10 making a decision; therefore, Fish and
11 Wildlife Service officials now, as part of
12 this formal hearing, will not respond to any
13 questions given during the next two hours.
14 The initial question and answer session was
15 intended to do that. If we do recess and go
16 off record, again, if you have some further
17 questions that you want to pose to Fish and
18 Wildlife Service staff, you can take that
19 opportunity to do that, and that those
20 comments will not be part of the record if
21 we're in recess from the hearing.

22 Again, your comments are being recorded
23 by the court reporter. To assist the Service
24 in reviewing them and preserve record, keep
25 in mind that the reporter only records

1 comments that are made through the microphone
 2 to the Service. Ancillary conversations or
 3 comments from the audience that are not made
 4 through the microphone and directed to the
 5 hearing officer, which is myself, will not be
 6 recorded as part of the hearing.

7 You may also submit comments in writing
 8 by fax and by e-mail. All of that
 9 information is in the handout material. They
 10 will all be part of the record. Oral
 11 comments, written comments, fax comments and
 12 e-mail comments all carry the same weight in
 13 the Fish and Wildlife Service's
 14 administrative record when making this
 15 decision; and as I mentioned before, please
 16 get those to us prior to November 18th.

17 We will conclude at 9:30 even if all the
 18 comments are done. Fish and Wildlife staff
 19 will be here. We may close the record. If
 20 somebody comes in late and wants to provide
 21 some comments, we'll reopen the hearing.
 22 We'll reopen hearing at 9:30 to adjourn and
 23 close out the comments.

24 I will now open the floor. I'll
 25 probably sit back down here to people

1 providing comments. I didn't get any cards
2 from any federal officials or any state
3 elected officials.

4 I would like to call Mr. John Banks from
5 Penobscot Nation first to the podium.

6 MR. BANKS: Thank you. My name's John
7 Banks. I'm the national resources director
8 for the Penobscot Indian Nation. I'm here
9 representing the tribal chief's office.
10 Chief Jim Sapiel sends his regards, and he
11 regrets that he couldn't be here tonight.

12 Penobscot Nation has a long history of
13 being associated with wolves in this region.
14 Our tribal members have been here for 10,000
15 years, since the ice age; and our history is
16 an oral history. My great grandfather, Louie
17 Ketchum, was a somewhat famous of infamous
18 foreman on the log drives in the west branch;
19 and he used to hunt caribou. My grandmother
20 tells me stories of when he was happy to hear
21 wolves because he knew that the caribou
22 hunting would be good when he heard wolves.
23 He also understood and knew that wolves
24 played a very important ecological role in
25 keeping the caribou herds healthy by

1 selecting out diseased and weakened animals.

2 For the record, I do want to state that
3 the Penobscot Nation has not taken a position
4 with respect to whether or not it wishes to
5 actively restore wolves within its Indian
6 territory. As a federally recognized tribe,
7 the United States government has what is
8 called trust responsibility to the Penobscot
9 Nation tribal government. The trust
10 responsibility is derived from law, Supreme
11 Court law. It's rooted in the US
12 Constitution, and today it's carried out
13 through Indian policies adopted by federal
14 agencies, including the US Fish and Wildlife
15 Service, which has recently adopted and
16 approved Indian policy; and it's also carried
17 out by executive orders of the President,
18 which require a certain level of consultation
19 with federally recognized tribes. This
20 executive order has recently been renewed by
21 the current administration, President Bush.
22 The federal trust responsibility requires the
23 US Fish and Wildlife Service to consult with
24 tribes on matters that affect our natural
25 resources.

1 I want to commend Mark McCollough from
2 the Old Town field office for recently
3 reaching out to the Penobscot Nation and
4 meeting with us last week for the first time
5 to talk about this proposal. Although that
6 was very helpful and we had some good
7 discussion, it was generally at the technical
8 level; and the federal trust responsibility,
9 in fact, requires a greater level of
10 consultation at the policy and political
11 levels of both the tribe and the Fish and
12 Wildlife Service; and that has not occurred
13 yet on this proposal.

14 The Penobscot Nation wishes to go on
15 record as opposing the proposal to delist the
16 wolves in the Eastern DPS. We feel that it
17 is an inappropriate and possibly illegal use
18 of the Endangered Species Act to remove
19 protection from wolves in Maine just because
20 there's wolves in the Great Lakes region. It
21 doesn't seem to make any common sense to us
22 as to how that could happen under the
23 Endangered Species Act. We also wish to go
24 on record as, again, stating that we feel the
25 Fish and Wildlife Service has violated its

1 federal trust responsibilities in this area;
2 and they have not carried out the intent of
3 their Indian policy.

4 We're currently considering legal
5 options that may be available to the tribe to
6 address this problem. Thank you.

7 MR. THABAULT: Thank you Mr. Banks. Ms.
8 Brenda Commander with the Houlton Band of
9 Maliseet Indians is not here yet. I'm going
10 to defer when she arrives to break the order
11 to allow her to comment, so Wally Jakubas.

12 MR. JAKUBAS: My name is Wally
13 Jakubas. I'm the mammal group leader for the
14 Maine Department of Inland Fisheries and
15 Wildlife and representing the Department at
16 these hearings. Maine's Department of Inland
17 Fisheries and Wildlife would like to thank
18 the US Fish and Wildlife Service for the
19 opportunity to publically comment upon the
20 proposed listing of delisting of the gray
21 wolf. In addition to this public testimony,
22 we will be submitting written comments on the
23 proposed delisting to the Fish and Wildlife
24 Service. Maine's Department of Inland
25 Fisheries and Wildlife supports the proposed

1 delisting of the gray wolf, Eastern Distinct
2 Population Segment. We congratulate the Fish
3 and Wildlife Service, the Great Lakes states,
4 environmental organizations and the many
5 private individuals who participated in the
6 recovery of the eastern gray wolf on a job
7 well done.

8 Today the core population of wolves in
9 the Great Lakes states exceeds the goals set
10 out in the 1992 recovery plan, and as a
11 result, this population is no longer at risk
12 of extinction. The public has raised the
13 question of whether the Eastern Distinct
14 Population Segment should be declared
15 recovered when a large segment of this DPS,
16 including Maine and other northeastern
17 states, does not have wolves. We concur with
18 the US Fish and Wildlife Service that the
19 goal of the original recovery plan was not to
20 recover wolves in every segment of their
21 former range, but to recover the population
22 to a point where it's no longer endangered of
23 being extirpated. Now that the recovery
24 goals have been met for the DPS, the
25 attention and valuable resources that have

1 been focused on the recovery of the gray wolf
2 Eastern Distinct Population Segment can be
3 redirected to other threatened and endangered
4 species.

5 Our department recognizes the concern of
6 many of our constituents that the delisting
7 of the gray wolf Eastern Distinct Population
8 Segment will greatly reduce the chance that a
9 wolf population will become established in
10 the Northeast.

11 We would like to reassure our
12 constituents that wildlife management does
13 not begin or end with the Endangered Species
14 Act. Any wolf that naturally immigrates to
15 Maine is fully protected under Maine law. We
16 are mindful of the public's interest in
17 wolves and will continue to investigate large
18 canid sightings. Our department has worked
19 hand in hand with private citizens and
20 environmental organizations for many years to
21 determine whether wolves occur in Maine. If
22 a wolf population becomes established in
23 Maine, the citizens of the state would
24 determine the management goals for that
25 population through the a public process that

1 is used for other wildlife species. In that
2 process, all viewpoints about wolf management
3 will be heard and considered. Our department
4 does not view the delisting of wolves in the
5 Northeast as the end of wolf management in
6 our region, rather, it is a shift from
7 federal to state oversight. Thank you.

8 MR. THABAULT: Thank you Mr. Jakubas.
9 We'll start now with general public. First
10 speaker, Janet Seavey of Windsor, Maine.

11 MS. SEAVEY: I've changed my mind. I'm
12 going to do mine in writing.

13 MR. THABAULT: Thank you very much.
14 Next one, Mr. John Glowa, Sr., from South
15 China.

16 MR. GLOWA: My name is John M. Glowa,
17 Sr. I live in South China, Maine. I'm the
18 founder and former president of the Maine
19 Wolf Coalition. I'm speaking here tonight as
20 a private citizen representing myself.

21 Let me preface my testimony by first
22 thanking Mark McCollough for making this
23 hearing possible. As you folks know, this
24 was not scheduled by the service. Without
25 him, there would have been no public hearing

1 here in the Northeast.

2 That said, what a difference four years
3 makes. Four years ago before the November
4 2000 bloodless coup of George Bush and the
5 neocons, we sat in this very building with
6 hope for wolves in the Northeast as we
7 listened to your agency's plans to create a
8 separate DPS for wolves in the Northeast.
9 Besides the coronation of George Bush, what
10 has caused the USFWS to do this 180? Tonight
11 we sit in this same building as you preside
12 over the plans to crush any hopes for wolf
13 recovery in the Northeast. Just like the
14 Bush Administration's actions against salmon
15 in the Pacific Northwest and grizzlies in
16 Idaho, this government is now making a
17 mockery of the Endangered Species Act here
18 with wolves.

19 The Maine Department of Inland Fisheries
20 and Wildlife supports the delisting proposal
21 because it is a corrupt agency controlled by
22 special interests. They have no credibility.
23 IF&W opposed federal protection for lynx,
24 citing a lack of evidence of their presence
25 in Maine. That was even before they began

1 looking for and finding lynx. They're now
2 trying to do the same with wolves. They
3 didn't succeed with the lynx, and they won't
4 succeed with the wolf.

5 How can you say there is no wolf
6 population here if nothing has been done to
7 verify or determine their presence? I want
8 to point out to you the eighty-plus pound
9 canid killed in December of 2001 in Upper New
10 York State by a hunter. That animal was
11 never even brought to the attention of the US
12 Fish and Wildlife Service by the New York
13 Department of Conservation. That animal was
14 brought to the attention of the special agent
15 in Albany, New York by me. I did an internet
16 search, read about the animal, contacted the
17 special agent in Albany, New York. He said
18 he'd never even heard of it. He said he
19 would look into it. They did look into it.
20 They visited the hunter. They confiscated
21 the pelt. They did the DNA testing and
22 determined that the animal was a gray wolf.
23 Maybe this will give you some idea why this
24 agency has not been able to find wolves in
25 the Northeast.

1 Here in Maine, things aren't any better.
2 IF&W is supposed to have a protocol for
3 identifying large canids. This August the
4 Bangor Daily News reported an extremely large
5 coyote hit by a car near Pittsfield, so large
6 that it caused a driver to go off the road.
7 I contacted an IF&W biologist about the
8 animal. I learned that it had never even
9 been reported to a game warden, and because
10 one or two weeks had passed since the animal
11 was killed, the Department would not even
12 pursue it. So much for Maine's wolf
13 protocol.

14 The recovery plan for the eastern timber
15 wolf is our best weapon in this fight.
16 Quoting from the recovery plan, here are the
17 reasons that I cite for not delisting the
18 wolf in the Northeast. For the record,
19 obviously I oppose delisting here in the
20 Northeast.

21 No. 1; the recovery plan states that,
22 quote, the primary objective of the recovery
23 plan for the eastern timber wolf is to
24 maintain and reestablish viable populations
25 of the eastern timber wolf in as much of its

1 former range as is feasible.

2 I question what is meant by feasible,
3 and has such a a formal determination been
4 made? If so, when and by whom? The primary
5 objective of the recovery plan is not -- and
6 it says it in the recovery plan; those are
7 your words, not mine -- recovery or delisting
8 of the eastern timber wolf. Because viable
9 populations of the wolf have not been
10 reestablished in as much of its former range
11 as is feasible, the primary objective of the
12 recovery plan has not been met and delisting
13 is premature.

14 No. 2; the recovery plan states, quote,
15 reestablish wolf population in Adirondack
16 Mountains, New York; Northwestern Maine
17 adjacent New Hampshire and or Northeastern
18 Maine, end quote. Wolf populations have not
19 been reestablished in any of these regions;
20 and therefore, the primary objective of the
21 recovery plan has not been met.

22 No. 3; to quote from the recovery plan,
23 areas to be investigated for eastern timber
24 wolf reestablishment include Eastern Maine,
25 Northwestern Maine and adjacent New Hampshire

1 and the Adirondack Forest Preserve Area in
2 Northern New York. This has not been
3 accomplished; and therefore, the primary
4 objective of the recovery plan has not been
5 met.

6 No. 4; on Page 58 of the recovery plan,
7 the map shows two areas in Maine, quote, with
8 reestablishment possibilities for the eastern
9 timber wolf. The map is incorrect. The
10 recovery plan is incorrect. These areas
11 identified by the your agency are grossly
12 undersized; and therefore, the recovery plan
13 underestimates the importance of this region
14 to wolf recovery and underestimates the
15 potential for wolf recovery in the Northeast.
16 When combined with contiguous areas of
17 potential wolf habitat in neighboring Quebec
18 and New Brunswick, the potential wolf habitat
19 in this region is several tens of thousands
20 of square miles; and it is an area larger
21 than the Greater Yellowstone ecosystem.

22 No. 5; to quote from the disclaimer page
23 of the recovery plan, quote, approved
24 recovery plans are subject to modification as
25 dictated by new findings, changes in species

1 status and the completion of recovery tasks.

2 The recovery plan was last updated in
3 1992. Changes in species status such as the
4 growth in the Minnesota, Wisconsin and
5 Michigan populations into one Great Lakes
6 population and new findings, such as the
7 documented presence of wolves in Maine, New
8 York, and Quebec south of the St. Lawrence
9 River as well as DNA evidence, need to be
10 incorporated into the recovery plan. The
11 primary objective of the recovery plan has
12 not been met. The recovery plan must be
13 modified and updated and must continue to be
14 implemented, not discarded for the sake of
15 political expedience.

16 No. 6; the recovery criteria throughout
17 the recovery plan calls for, quote, at least
18 two viable populations within the 48 United
19 States. This proposal has no biological or
20 legal merit. Page 24 of the recovery plan
21 states the requirement for more than a single
22 recovery population stems from the basic
23 concept of conservation biology that a
24 species can never be assumed to be secure
25 from extinction if only a single population

1 exists.

2 In 1992 when the recovery plan was
3 written, the Wisconsin-Michigan population
4 was considered to be a viable second
5 population. With the growth of this
6 population, the wolves of Minnesota,
7 Wisconsin and Michigan are now biologically
8 one population; and the recovery plan must
9 now be modified. The only other area in the
10 48 states that contains suitable habitat for
11 a second population is the Northeast.
12 Because the recovery plan requires two
13 populations, wolf recovery in the Northeast
14 is now mandated, not only to meet the primary
15 objective of the recovery plan, but to delist
16 the eastern timber wolf.

17 No. 7; on Page 58 of the recovery plan,
18 the map shows that the eastern timber wolf
19 ranged from Minnesota, southeast to Northern
20 Florida and northeast to Maine. Recent
21 genetic evidence now tells us that the
22 recovery plan is also wrong in this respect.
23 Not only did the red wolf occupy the American
24 Southeast, but a close relative, now called
25 *canis lycaon*, or eastern wolf, occupied the

1 Northeast into Maine; and this animal can
2 still be found in Southern Ontario and
3 Quebec. In fact, DNA evidence from Maine's
4 1993 wolf showed that she was most closely
5 related to wolves in the area of Algonquin
6 Park, not the gray wolves of the Laurentide
7 Reserve or the wolves of Minnesota. The
8 wolves of the northeast are not the same
9 wolves as those in the Great Lakes states.
10 The recovery plan must be modified to address
11 these genetic and morphological differences.
12 A DPS must be created for the Northeast and
13 the US Fish and Wildlife Service must work
14 towards northeast wolf recovery.

15 In closing, there's growing evidence in
16 the form of four dead wolves and many
17 sightings that wolves are trying to naturally
18 recolonize the tens of thousands of square
19 miles of habitat south of the St. Lawrence
20 River. Documented wolf populations are
21 within sixty miles of New York State and
22 within seventy-five miles of Maine. The US
23 Fish and Wildlife Service has failed
24 miserably as far as wolf recovery in the
25 Northeast is concerned. Please do not delist

1 the wolf in the Northeast and destroy any
2 chance that this animal has of returning to
3 an ecosystem that is crying for it's return.
4 Thank you.

5 MR. THABAULT: Next is Peggy
6 Struhsacker. I'm sorry if I mispronounced
7 your name. I want to remind everyone to keep
8 your comments to five minutes to give
9 everybody a chance, and then if you want to
10 follow up, we'll try to make that opportunity
11 available.

12 MS. STRUHSACKER: My name is Peggy
13 Struhsacker. I am the national wolf team
14 leader for National Wildlife Federation. The
15 National Wildlife Federation, I'll say NWF,
16 has long played a roll in wolf restoration
17 efforts nationwide both in helping to taylor
18 common sense management plans and secure wolf
19 recovery and in educating the public
20 concerning facts and myths surrounding the
21 animals. In keeping with NWF past and
22 present involvement in wolf conversation and
23 recovery and on behalf of NWS, 4 million
24 members, supporters nationwide, I will give
25 oral comments for NWF; but we will be

1 submitting our detailed written comments by
2 November 18th.

3 The gray wolf is truly a success story
4 for the Endangered Species Act in the three
5 Great Lakes States of Michigan, Wisconsin and
6 Minnesota. Often under great political
7 pressure, the Fish and Wildlife Service, the
8 three state agencies and tribes stayed in the
9 course for wolf recovery and nurtured wolves
10 back to health in the Great Lakes region. In
11 2000 the FWS proposed a rule that would have
12 established a Western Great Lakes Wolf DPS, a
13 Northeastern Gray Wolf DPS, a Western Great
14 Lakes Wolf DPS and Southwestern DPS. The
15 NWF, along with a majority of the
16 conservation community, thousands of public
17 comments and the peer reviewers themselves
18 were all in support of the proposed rule in
19 2002.

20 In the final rule of 2003, the FWS
21 abandoned its proposal for a Northeast DPS,
22 the FWS did not retreat from any of its
23 statements concerning the significance of the
24 Northeast region. Instead, the FWS abandoned
25 further wolf recovery efforts in the

1 Northeast on the grounds that the area in the
2 western Great Lakes States where wolves
3 currently exist represents the entire range
4 of species within the eastern DPS. This
5 justification lacks scientific support. The
6 Northeast currently shares a separate wolf
7 population with Southwestern Canada. The FWS
8 has an obligation under the Endangered
9 Species Act to promote recovery of this
10 population, a population that is integral to
11 the overall health of the gray wolf in the
12 lower 48 states.

13 This proposed delisting rule will remove
14 protection for wolves far beyond the states
15 where wolf recovery has actually taken place.

16 It's unfortunate, for if FWS had finalized
17 the 2000 proposed rule, the Great Lakes
18 population of wolves in all likelihood would
19 be on a faster track in the delisting
20 process. As a result of the FWS changing its
21 original proposal so that Western Great Lakes
22 and Northeast Wolf DPS were now combined into
23 one Eastern DPS, the Great Lakes population
24 will be unnecessarily swept into litigation
25 concerning the Fish and Wildlife Service's

1 failure to pursue recovery outside of the
2 Great Lakes.

3 There are already two lawsuits pending
4 that challenge the legality of the Eastern
5 DPS as established in the 2003
6 reclassification rule. NWF recommends that
7 FWS work to resolve the legitimate concerns
8 raised in those lawsuits rather than pressing
9 forward with delisting based on unsound
10 science.

11 Under the Endangered Species Act, a
12 species remains threatened so long as it is
13 at risk in a significant portion of its
14 range. The wolf remains extirpated in
15 roughly ninety-five percent of its range, and
16 yet the FWS has never addressed whether this
17 is a significant portion. Until it prepares
18 a national wolf recovery plan addressing what
19 is the significant portion of the range that
20 must be restored, the FWS cannot legitimately
21 conclude that the Northeast is not needed to
22 achieve recovery and delisting.

23 The FWS acknowledged in its proposed
24 rulemaking that the historic range of the
25 wolf would have extensive and significant

1 gaps without wolf recovery in the Northeast,
2 that northeast population is significant and
3 will contribute to the overall restoration of
4 the species and that the wolf that
5 historically occupied the Northeastern United
6 States and adjacent Canada is likely a
7 separate form of the gray wolf. It is the
8 consensus view of scientific peer reviewers
9 that establishing a separate Northeast DPS
10 would be an important step toward gray wolf
11 recovery. All of this strongly suggests that
12 the gray wolf will remain at risk in a
13 significant portion of its range so long as
14 the Northeast wolf restoration remains
15 incomplete.

16 Finally, the FWS has a duty to apply its
17 Vertebrate Population Policy in a fair and
18 consistent fashion. This policy calls for
19 establishment of Distinct Population Segments
20 only for a discrete population. By lumping
21 Western Great Lakes wolves and northern
22 wolves together in a single Eastern DPS, the
23 FWS failed to satisfy the requirement that a
24 discrete population be the subject of a DPS.

25 The FWS's decision to create an Eastern

1 DPS was done for the wrong reasons. Rather
2 than promoting conservation, the FWS has
3 taken this step for the clear purpose of
4 terminating recovery efforts in the
5 Northeast. The FWS's own vertebrate
6 population policy makes clear that the DPS
7 tool is designed to prevent the need for
8 listing an entire species when some
9 populations are healthy. It is very improper
10 to use it to avoid recovery efforts in
11 important habitat areas where populations are
12 not yet viable.

13 NWF has been instrumental in wolf
14 recovery efforts in the Northeast. In the
15 last three years we have spent countless
16 hours following up on wolf reports and
17 fielding volunteers and professionals to
18 verify the presence or absence of wolves.
19 This should not be the work of NWF or states.
20 The FWS should have taken on this
21 responsibility when the wolf was killed in
22 Maine in 1993. At that time the wolf was
23 still listed as an endangered species. FWS
24 has the obligation to treat the Northeast no
25 differently than the Northern Rockies or

1 Great Lakes region.

2 Removing the federal protection from the
3 wolf is precedent setting for the ESA. This
4 proposal also lacks any language that would
5 assist states with funding, does not require
6 North or South Dakota to have state
7 management plans, even with the presence of
8 wolves in the states; and currently there is
9 a great concern whether there are strong
10 enough regulatory mechanisms in place to
11 address illegal take.

12 The FWS has a historic opportunity to
13 build upon its successes in the western Great
14 Lakes by moving forward with restoration of
15 the wolf in the Northeast. We hope to be
16 able to work with the agency on this
17 important endeavor.

18 Thank you for the opportunity to
19 testify.

20 MR. THABAULT: Thank you Ms.
21 Struhsacker.

22 Mr. Wayne Heath.

23 MR. HEATH: Good evening gentlemen,
24 ladies. My name is Wayne Heath. I wanted to
25 expand slightly on historical wolf population

1 in Maine. My family sailed here -- Captain
2 Heath sailed up the Penobscot River in 1624
3 and established most of the Heaths that are
4 in Maine. Well, there was some poor Heaths
5 that came over in 1850 from the potato
6 famine, but they don't count. That's only to
7 establish that my family has been here for a
8 while, and our history is oral not written;
9 so what you might say is hearsay is what I'm
10 going to testify to.

11 I have been told that there is nothing
12 in the Maine woods that will harm me, and I
13 believe that because I interpret that as
14 being there was no wolves in Maine. If there
15 were, I'm sure my many many grandfathers
16 would have mentioned it to me. They told me
17 most people smell so bad that they'll never
18 see a bear. You've done an excellent job of
19 reestablishing the coyote. They've lapped up
20 most of my rabbits and partridge and try to
21 get a cat or two. Wolves are a much bigger,
22 much more dangerous animal. I thought I saw
23 one once, but after my neighbor in Veazie
24 shot a 44-pound coyote, I decided I must have
25 seen a big coyote. I happen to like the

1 Inland Fisheries and Wildlife Department. My
2 daughter works for them. I paid them a lot
3 of money in licenses and fees and stamps and
4 tags for the right and privilege to fish and
5 hunt in Maine. Again, our wildlife
6 department is looking out for animals that do
7 exist in Maine. If I understood everybody
8 correctly tonight, there are no wolves in
9 Maine. That would make it very difficult to
10 protect one, if not, very expensive. You
11 have done an excellent job, I might add, in
12 the Atlantic salmon category. Part of my
13 background is founder under the Veazie Salmon
14 Club. Your restoration process and your
15 money has been most helpful.

16 I'm not terribly prepared for tonight.
17 I believe that the quote from the author of
18 Bert and I, that just because your cat has
19 kittens in the oven, you wouldn't call them
20 biscuits; so I call myself a Mainer, but a
21 lot of the people here are not. And as a
22 Maine person I fear reintroduction of wolves,
23 and I am in favor of delisting them and
24 letting them find their own way into whatever
25 habitat suits them best.

1 Thanks again for listening to me.

2 MR. THABAULT: Thank you Mr. Heath.

3 I've been informed that Brenda
4 Commander, the tribal chief of the Houlton
5 Band is here. Ms. Commander, are you
6 prepared to present comments?

7 MS. COMMANDER: Yes, I am.

8 MS. COMMANDER: I'm Brenda Commander.
9 I'm tribal chief of the Houlton Band of
10 Maliseet Indians. I have come before you
11 tonight to testify on behalf of one of our
12 relations, the wolf, called molsom in the
13 Maliseet language. I also come on behalf of
14 my people as members of a federally
15 recognized Native American tribe. As such,
16 the US Fish and Wildlife Service has a
17 fiduciary trust responsibility for our
18 natural resources, including wildlife. The
19 Service must relate to us on a
20 government-to-government basis and consult
21 with us on decisions that directly affect
22 tribes.

23 This proposed decision to take the wolf
24 off the endangered and threatened species
25 list has a direct effect on my tribe. We

1 believe that restoration of wolves in our
2 ancestral homelands is critically important
3 to the health and welfare of mother earth and
4 our place in it. We also are involved in our
5 own restoration of our language, our culture,
6 our traditions and our community. AS part of
7 this, we want to be able to reconnect with
8 one of our lost kin. Wolves, as our
9 relatives, are in our stories, our art, our
10 language but no longer in our lives.

11 The lack of wolves, as well as the
12 potential for wolves to exist on our lands,
13 is an area where Fish and Wildlife Service
14 has a direct trust responsibility. No one
15 from the Fish and Wildlife Service has
16 approached me or my staff to discuss the
17 implications of this proposed delisting for
18 our tribe. While we have had no consultation
19 regarding this proposal, we have heard
20 delisting means the federal government won't
21 be involved in any efforts to reintroduce the
22 wolf in Maine where there is suitable
23 habitat. We have also heard that Secretary
24 Norton has said that any reintroduction of
25 wolves in the northeast states would be up to

1 the states themselves. This is frankly a
2 blatant disregard of the presence of tribes
3 in the Northeast and a complete abrogation of
4 the Service's trust responsibility.

5 In a letter to us from the US Fish and
6 Wildlife Service dated May 12, 2004, Regional
7 Director Moriarty writes, we assure you that
8 the Service recognizes its trust
9 responsibility to the Native American tribes.
10 We understand that it is our responsibility
11 to affirmatively advance the interests of the
12 tribes. I request that you honor that trust
13 responsibility and begin consulting with us
14 on this matter at a government-to-government
15 level. Again, the Service's Indian Policy
16 and two Presidential Executive Orders, 13084
17 and 13175, make clear that consultation is
18 required when federal decisions are made that
19 directly affect tribes.

20 I also strongly suggest that if you have
21 not already done so, you consult with the
22 many federally recognized tribes in New York
23 State. We have already begun to think about
24 how we could play a role in the restoration
25 of wolf populations in Maine. In

1 coordination with our brother and sister
2 tribes in Maine, we have drafted a concept
3 paper for a tribally-run wolf education
4 program as part of a larger Wabanaki Culture
5 and Nature Center.

6 Let me read you an excerpt form this
7 paper. Many people hold a number of
8 misconceptions about the Wabanaki peoples and
9 our modern day existence, our culture and the
10 unique integral relationship our tribes have
11 with the environment. Greater public
12 awareness and education are necessary if our
13 tribes are to sustain our ancient culture
14 ties to the environment. Those ties
15 encompass all of our nature, including the
16 eastern timber wolf, now extinct within the
17 borders of Maine. The situation of the
18 eastern timber wolf is similar to that of the
19 Wabanaki. Public education to dispel fears
20 and increase understanding about wolves and
21 their role in the ecosystem is necessary for
22 restoration of the eastern timber wolf.

23 We feel a special kinship to the wolf.
24 As we feel strong resistance by the larger
25 society to our own status as a sovereign

1 tribe, we see the same resistance to the
2 status of the wolf as a necessary part of
3 mother earth. As I have indicated, we are
4 working to change both those attitudes. On
5 behalf of the Maliseet Tribe, I urge you not
6 to remove the wolf from the list of
7 endangered and threatened wildlife. Thank
8 you.

9 MR. THABAULT: Jenna Golub is up next
10 and then Gill Golub.

11 MS. GOLUB: I choose to pass.

12 MR. GOLUB: Thank you very much. My
13 name is Gill Golub, and I'm from Swanville,
14 Maine. I formally resided during the
15 comeback years, nineties, in Northern
16 Minnesota. I tracked timber wolves,
17 photographed them, learned from them, enjoyed
18 them, brought up my children respecting them.
19 I am in total opposition to delisting. I'd
20 like to take a wait-and-see attitude,
21 hopefully have them reintroduced here in New
22 Hampshire and in Maine where there's ideal
23 habitat for these creatures, then make a
24 decision after that. My former co-residents
25 of Minnesota know that a lot of the

1 communities up north in the superior national
2 forest thrived off of just knowing that the
3 wolf was there. Small businesses, so many
4 items related to the wolf. The International
5 Wolf Center exists to educate. That's a
6 learning facility. It is a research
7 facility.

8 One of the reasons I feel, being a
9 former newspaper man and kind of studying the
10 issue, is one of the success stories behind
11 the reintroduction in the Great Lakes is the
12 educational level, the value of what came out
13 of the International Wolf Center itself.
14 That is something that does not exist in
15 these proposed states. I don't think the
16 folks in parts of New Hampshire and Maine,
17 where there's ideal habitat for the wolf to
18 return, have been properly educated.

19 My main concern after studying many
20 years of being among the wolf -- I lived
21 within the five corners pack in
22 Minnesota-Wisconsin border. I have cats. I
23 have dogs. I have neighbors with similar
24 pets. They were never impacted by having a
25 wolf nearby. It was glorious to be able to

1 hear them every night when we went to bed,
2 their young. We loved the fact that an
3 economy thrived because of the existence of
4 this animal. I think Minnesota is a good
5 case study for certainly Maine and New
6 Hampshire. Certainly the poor economy we
7 have existing here in Maine could thrive from
8 just knowing that the wolf is in our
9 presence.

10 My biggest concern, folks, is because of
11 the lack of education here, the public not
12 being adequately informed of the
13 repercussions of having the wolf back here,
14 I'm afraid that we may return to the shoot,
15 shovel and shut up mentality that permeated
16 the fifties and sixties when we poisoned,
17 wire trapped this animal. I'd like for that
18 wait-and-see attitude or investigation
19 certainly into at least letting them
20 recolonize here and then revisit this subject
21 down the road. Thank you very much.

22 MR. THABAULT: Ms. Anne MacMichael is
23 up next. Ms. Debbie Davidson will be next.

24 MS. MacMICHAEL: Hello. My name is Ann
25 McMichael. I'm here representing the Maine

1 Wolf Coalition, and although my comments may
2 be a little personal, I think I will fairly
3 represent the attitude of the Maine Wolf
4 Coalition on this issue. It's very
5 frustrating to attend these events and listen
6 to some of the comments that are made, one
7 of which you made several times this evening,
8 which was the point that the goal was to have
9 two wolf populations in the Eastern United
10 States.

11 I just had a big birthday, a big one.
12 It's been a long time since I took geography,
13 but I did look at your map tonight; and
14 Minnesota and Wisconsin have not moved any
15 closer to New England than they were when I
16 was in fourth grade. I just don't see the
17 how you can call it the Eastern United
18 States. I lived in Maine all of my life and
19 I know that I'm in the Eastern United.

20 It's frustrating to know that there are
21 so few places left in the country where wolf
22 recovery can take place, and as the years go
23 on, there are going to be fewer places; and
24 the Northeast is probably not going to have
25 as much room as it does now have.

1 I see a few gray hairs on your table, so
2 I know that a lot of you have seen some of
3 the changes that I have seen in my lifetime;
4 and in the state of the Maine there have been
5 huge changes. In the future the possibility
6 of wolf recovery is going to have fewer and
7 fewer spots to occur, so I find it very
8 frustrating that you've all done your
9 homework so well and you have every
10 technicality covered for every possible
11 protest that can be brought up against this
12 delisting. It seems a shame to me that
13 instead of looking for the technicalities to
14 thwart wolf recovery in this northeastern
15 section of the United States, that you don't
16 look just as deeply as hard for the
17 technicalities and check them out for
18 recovery here.

19 We do have the habitat. We don't have
20 the emotional environment for it here as they
21 did out west when they first started the
22 program in that area, so it would take a lot
23 of education here. It would be a long day
24 from today before the emotional climate would
25 be right here, and I think that I've said

1 everything I need to say to let you know what
2 our point is. We do very much disagree with
3 the wolf being taken, the protection being
4 taken away from the wolf here because we
5 would like to have some recovery happen.

6 Thank very much.

7 MR. THABAULT: Debbie Davidson. Mr.
8 Mark Bedner will be up next.

9 MS. DAVIDSON: Good evening. There
10 have been many important things said here
11 tonight already with regard to the delisting
12 procedure for wolves, and I won't be
13 redundant by reiterating them all; but
14 without any unkindness or unpleasantness
15 intended toward anybody here tonight, I have
16 to say that I have little or no faith these
17 days in the once valuable public comment
18 period regarding just about any environment
19 issue.

20 I participated in commenting on several
21 topics since the current administration in DC
22 has been in power where I gave, listened to
23 or read the comments of the public, yet when
24 all of this is said and done, I find that the
25 final ruling of the EPA or the Department of

1 the Interior, or whoever, is no different
2 than that which was brought forward in the
3 original proposals. Taking public comment
4 does not seem to be a factor of any
5 environmental goal.

6 Instead of rattling off my own set of
7 facts and figures relative to delisting the
8 wolf, I'd just like to ask an important
9 question. And if you are tallying up the
10 yeas and nays for your proposal, then please
11 put me down as not supporting it as it is
12 currently written, at least for the
13 Northeast. And before I ask my question, I'd
14 like to again say that my comments are not
15 directed toward any of you personally. I
16 consider some of you personal friends of mine
17 who I've come to know and trust right up
18 here.

19 My question is this: Even if it means
20 that you'll essentially be ignoring the
21 wealth of new studies or information or
22 renewed interest that's come forth in droves
23 on wolves and their possible recovery in the
24 northeast states since the eastern timber
25 wolf recovery plan or even its revision was

1 written, is the Service going to stay the
2 course of that plan, right or wrong, because
3 that's now how the current administration in
4 DC is operating these days? And if this is
5 so, then it reminds me all too much of other
6 major politics of this day where this
7 administration is simply staying the course.
8 I could say the war in Iraq or this
9 administration's insistence on maintaining
10 tax cuts, even when we're in raging war or
11 many other unjustifiable things. In other
12 words, it seems of no consequence that new
13 information is abounding on wolf recovery in
14 the Northeast. Your hands are likely going
15 to be tied to stay the course of the original
16 recovery plan because of improvement policies
17 like this that are occurring within this
18 administration.

19 Major studies have been completed in
20 this area. Enormous tracking efforts have
21 been performed. Incredible amounts of
22 educational efforts are still going on in the
23 Northeast relative to wolves and the
24 potential for their recovery here for more
25 that ten years now. If you recall, it took

1 twenty years or more for Yellowstone to
2 happen. Many excellent peer reviewed
3 scientific reports have been authored by
4 University of Maine professors and others in
5 the field confirming that habitat in Maine
6 alone could support a viable wolf population
7 in the northeast states. Biologically Maine
8 could support over a thousand animals, and
9 even sociologically we could probably sustain
10 around five hundred wolves. Are we just
11 going to throw these studies and efforts out
12 the window? Are we cutting our losses or
13 what is going on? Without real protection
14 for wolves, who in fact may be trying right
15 now to recolonize our state, it's probably
16 worth it for an individual who hates even the
17 idea of a wolf to kill one and just pay the
18 minimal fines if they get caught. Once off
19 the Federal Endangered Species List, any
20 wolves entering Maine would have the same
21 protection as a gray squirrel being shot out
22 of season.

23 I know, Ron, you wanted to look at some
24 of the other laws that might be in effect
25 after the federal law is taken off wolves.

1 Well, there aren't any for Maine. There
2 needs to be more than a Maine judge's
3 subjective opinion to find someone between
4 \$50 and \$1,000 for killing a wolf here. That
5 is the same fine as that for killing a
6 nongame species or a game animal out of
7 season, which is considered a Class E
8 infraction in Maine. It would be highly
9 unlikely that that same judge would even
10 consider a six month jail sentence for the
11 person. According to the Maine Warden
12 Service, a first offense for killing a
13 nongame species, which is essentially like a
14 closed season species, usually results in
15 only a \$100 fine if the person's caught, with
16 maybe an additional \$20 for each animal
17 taken. If the said animal is on Maine's
18 special minimum mandatory list, which
19 includes those game species thought to be
20 most economically important to our state, the
21 minimum fine for killing the animal is still
22 a Class E infraction; but it would be \$1,000
23 and 6 months in jail.

24 Wolves are not yet thought to be
25 economically important to Maine, but as you

1 know, we are really missing a golden
2 opportunity for eco-tourism in the Northeast
3 relative to people's fascination with this
4 animal. The animals that are on Maine's
5 minimum mandatory list include deer, moose,
6 bear, turkey, and possibly still caribou,
7 unless they just came off since Title 12 was
8 recodified in the last 18 months. And I
9 bring caribou up because it's significant to
10 note that caribou was placed on this minimum
11 mandatory list during a time when
12 reintroduction efforts of caribou were taking
13 place here in order to protect them during
14 their recovery period. They would eventually
15 have become a game species once they did
16 recover had that worked. Yet even with one
17 wolf already identified to be existing in our
18 state in 1993, until it was shot, and then a
19 probable wolf, identified to be living in
20 Maine in 1996 until it was trapped and then
21 killed, Maine has not, and very likely never
22 will, place wolves on even this minimum
23 mandatory list for better protection; so
24 there will be no better protection for wolves
25 once this is taken off.

1 There have also been more wolves
2 recently confirmed to be living on the south
3 side of the St. Lawrence River. Some less
4 than twenty miles from Maine's border, and as
5 we all know, wildlife cares nothing about
6 borderlines drawn on maps. All of this
7 information and much much more has been
8 gained after the first revision to the
9 eastern timber wolf recovery plan was
10 written, and you can see here I'm hoping for
11 a possible second revision. It certainly
12 does bang the question. Doesn't it look at
13 least to those that are experienced in
14 studying wolf recolonization as the wolves
15 may in fact be trying with their biggest
16 effort yet to recolonize the northeast
17 states?

18 Is it really an intelligent decision for
19 the Service to be reducing protection for
20 them in the northeast states at this junction
21 when so much time and effort has been spent
22 by so many, including yourselves, to recover
23 wolves in places where the habitat can still
24 support them? I say it again, are we just
25 simply cutting our losses or what? And to

1 those in the audience from Maine's own Fish
2 and Wildlife Department, and again, nothing
3 personal to any of you who I consider many of
4 you friends, shouldn't wolves at least be on
5 our minimum mandatory list since the
6 likelihood of natural recolonization has
7 never been more real?

8 In working with the Maine Legislature in
9 the past, I have no hope or expectation that
10 any attempt made by the public to gain state
11 protection for recolonizing wolves would even
12 be listened to. Instead, I feel sure that I
13 hear the usual remark: Why should we protect
14 an animal that doesn't exist in our state?
15 If the Maine Department of Inland Fisheries
16 and Wildlife were to put in such a bill, it
17 wouldn't have more fault with the Fish and
18 Wildlife Department; but I can assure they
19 won't, and this is why we need continued
20 federal protection for wolves in the
21 Northeast. Maine, nor the other northeast
22 states, will provide it.

23 And lastly, I'd like to speak just a
24 minute about eco-tourism and the enormous
25 amount of money that wolves could bring into

1 the Northeast, especially in these
2 economically hard times. The way I see it is
3 this: We actually have a net loss of dollars
4 not coming into our state because of
5 opportunities lost, that is eco-tourism
6 dollars from federal and state supported
7 programs, that is bounties, that in the past
8 caused the extinction of wolves in the
9 Northeast in the first place. It could be
10 argued then that wolf extinction has cost our
11 state and others incredible amounts of
12 revenue by not allowing us to capitalize on
13 wolf eco-tourism now that's such a known
14 commodity. And a good example of this, as
15 you know, is Ely, Minnesota, a town which is
16 very similar to many towns in Maine where
17 wolf eco-tourism profits are now soaring or
18 Yellowstone Park where studies showed an
19 outrageous amount of money is being made off
20 of tourists who are visiting or revisiting
21 the parks specifically because wolves are
22 back. I think the federal government ought
23 to be putting wolves back into Maine, or at
24 least offering them continued protection so
25 that they can get back here safely

1 themselves; and if for no other reason, when
2 you think about it, Maine has lost millions
3 of dollars since the wolf was (inaudible) and
4 made instead into the apple of every
5 eco-tourist's eye. And if the Service won't
6 do this, then I think the federal government
7 owes Maine and any other state whose habitat
8 could still support wolves today, a big fat
9 chunk of money due to lost revenue in
10 eco-tourist dollars because we no longer have
11 a wolf population that we can promote and, in
12 a sense, capitalize on due to the bounty
13 placed on wolves by the government.

14 Thanks very much for listening.

15 MR. THABAULT: Mr. Bedner, and Ms.
16 Marie Zwithter will be up next.

17 MR. BEDNER: My name is Marc Bedner.
18 I'm a resident of Camden, Maine. I want to
19 speak in opposition to delisting. My concern
20 is that this is basically a political
21 decision, and I don't mean by that partisan
22 political because I have at least as much
23 problems with the Democratic Administration
24 of this state as I do with the Republican
25 Administration in the White House; but what

1 this basically does is say that
2 responsibility for protecting the wolf will
3 be put in the hands of the State Department
4 of Inland Fisheries and Wildlife. Now it
5 doesn't surprise me that the IF&W
6 representative here spoke in favor of the
7 delisting because the IF&W basically is not
8 interested in wildlife protection. That
9 could be seen very clearly this year when
10 IF&W has been spending its resources
11 campaigning against a popular initiative to
12 restrict certain forms of bear hunting and
13 trapping. If this delisting goes through, we
14 basically have no wildlife agency in Maine;
15 and because we have no agency here that will
16 protect wildlife, we have no agency here that
17 is interested in protecting wolves and
18 finding wolves. To leave it up to IF&W to
19 provide you with evidence to reconsider
20 delisting is basically saying that there will
21 never be any kind of wolf recovery in Maine,
22 so if you look at the definition of this
23 Distinct Population Segment, by your own
24 admission this is not a biological concept.
25 It's an arbitrary policy concept. I doubt

1 that wolves of any species or subspecies know
2 that they're to be considered gray wolves if
3 they're north of the Mason-Dixon Line and red
4 wolves if they're south of the Mason-Dixon
5 Line. It's odd how these boundaries all
6 follow precisely state boundaries, so clearly
7 what this is just a question of the Federal
8 Fish and Wildlife saying we're not going to
9 take responsibility anymore. It's up to the
10 state. I wish I had more confidence in our
11 own state agency, but right now since IF&W
12 cannot be depended upon to protect wildlife,
13 I would urge the US Fish and Wildlife to
14 reconsider the decision and move toward
15 protecting the wolf.

16 I also think that there's a need for
17 hearings in other parts of the Northeast.
18 I'm not sure how this particular area was
19 selected. Fortunately, I just had an hour
20 and a half drive up from Camden; but I would
21 think this would be very difficult for
22 anybody interested in Vermont or Upstate New
23 York to attend. It appears from your list of
24 hearings that there were hearings all through
25 the midwestern states. In a fair hearing

1 process you give other residents of the
2 Northeast a chance to speak. Thank you.

3 MR. THABAULT: Thank you Mr. Bedner.
4 Ms. Marie Zwicker. Ms. Janice Kasper will be
5 next.

6 MS. ZWICKER: Thank you. My name is
7 Marie Zwicker. I'm speaking as an
8 individual. I thank you for the opportunity
9 to speak, and I'm also a member of the Maine
10 Wolf Coalition.

11 I strongly oppose the delisting proposal
12 for the eastern gray wolf. It just doesn't
13 make any sense. The species is not fully
14 recovered. Even though I know you've given
15 us some numbers, but that doesn't seem to be
16 full recovery of most of their historic
17 range; and where they do exist, they continue
18 to face serious threats to survival, the same
19 that caused them to become endangered and
20 extinct to begin with.

21 They once ranged over most the United
22 States in the hundreds of thousands, but now
23 only about three or five hundred, according
24 to your numbers, individuals live in only
25 very few regions and in small populations.

1 Suitable habitat in many cases is fragmented
2 with few protected corridors; and therefore,
3 the disbursal of wolves is limited, and that
4 can lead to problems with healthy gene pools
5 which will endanger, in the long term, the
6 survival of the gray wolf in the US. So it
7 seems like it's very very premature what
8 you're proposing to do. All the wolves in
9 the lower 48 will be at risk if you delist
10 it, because, unfortunately, many in the
11 dominant society of humans don't want to
12 coexist with wolves; and if protections are
13 listed, it will mean license to kill. Wolves
14 in all the US face extreme threat from
15 extreme anti-wolf attitudes. Humans are the
16 number one cause of wolf mortality, and
17 wolves, if they lose the protection of the
18 Endangered Species Act, those clamoring for
19 more legal wolf control will be able to kill
20 wolves with few restrictions.

21 The eastern region, as it is called,
22 ranges really from the Dakotas to Maine, even
23 though most states in the Northeast, the
24 areas that would be prefect for
25 reintroduction of wolves, the northern forest

1 wildlands which range across the four states
2 that you mentioned, there are no wolves or no
3 officially recognized wolf populations.
4 Delisting will eliminate any possibility of
5 wolf recovery in the Northeast where there is
6 really very very suitable habitat. It's
7 perfect habitat for the reintroduction of
8 wolves. The US Fish and Wildlife Service
9 does not require the states, any state, other
10 than Minnesota, Michigan and Wisconsin to
11 develop laws for wolf conservation, even
12 though there is documentation of wolf
13 dispersal to other states; therefore,
14 dispersing wolves will be totally
15 unprotected.

16 Management plans of the Great Lakes
17 after delisting will allow liberal legal wolf
18 control. People could kill wolves without
19 any cause, any time. States could hire
20 trappers to kill wolves and reinstitute
21 bounties; therefore, there will be increased
22 incentive to kill and preemptive killing.
23 We've heard a lot about preemptive recently.
24 Preemptive killing would be allowed even if
25 there has been no documented losses of

1 livestock. Trophy hunting would be
2 reinstated and recreational -- if you can
3 call that recreational. Trapping and sport
4 hunting will occur rapidly after delisting.

5 The existing population sizes are
6 extremely small and partially isolated; so
7 therefore, they face severe threats to
8 long-term viability. As only a small
9 population of the total numbers -- you've
10 given total numbers of populations, but only
11 a small number of adults in a total
12 population reproduce successfully.

13 And finally, anti-wolf forces are
14 resorting to fear tactics that claims that
15 increased wolf populations will cause
16 declines in deer and other favored game
17 species which would restrict hunters deer
18 hunting opportunities. And I mean anybody
19 that knows anything about population dynamics
20 knows that there's a natural regulatory
21 process that takes care of overpopulation,
22 and using people's fears to justify open
23 hunting and trapping seasons and claiming
24 that wolves must be controlled by hunting and
25 trapping, that's just not to be heard of. We

1 need to protect the wolves. We need to
2 continue their protection and we need to not
3 delist them.

4 I strongly oppose your proposal to
5 delist the wolf. Thank you.

6 MR. THABAULT: Thank you Ms. Zwicker.
7 Janice Kasper. Ray Owen will be next.

8 MS. KASPER: I'd like to identify on
9 record that I oppose this delisting of wolves
10 in the Northeast. And we all know that
11 wolves are very close by in our neighbor to
12 the North, Canada; and there is a wolf
13 population there. I'd also like to say
14 something that hasn't been said today that
15 there is strong public support for wolves to
16 naturally return Maine. In the last public
17 opinion survey conducted by the Maine
18 Department of Inland Fisheries in 1998
19 entitled Maine Residents' Opinions of
20 Wildlife, Funding and Policy Issues by Boyle,
21 Roach & Hilton, the majority or respondents
22 was 61 percent supported protecting wolves
23 that migrate naturally into Maine. I can
24 only imagine that if a study were done today,
25 the numbers would be even higher.

1 Unfortunately, without a designation
2 from the US Fish and Wildlife Service, I fear
3 that there will be no protection for wolves
4 crossing into Maine from Canada. The eastern
5 coyote found in Maine is much larger than its
6 western counterpart, and without careful
7 study, wolves and coyotes in Maine can be
8 easily confused. Coyotes are vilified in
9 this state and they can be killed year round.
10 They can be shot, baited and trapped.
11 Recently, coyote snaring was stopped only
12 through an action imposed by the US Fish and
13 Wildlife Service. Maine's Department of
14 Inland Fisheries and Wildlife is in the
15 process of trying to reinstate the coyote
16 snaring program. This practice, as with all
17 trapping, has no device to discriminate
18 whether a coyote or a wolf is caught in a
19 snare or a trap.

20 The public in Maine desires that wolves
21 crossing our borders be protected. Our
22 Department of Inland Fisheries and Wildlife
23 has neither the funding nor the desire to
24 protect wolves in Maine; therefore, as a
25 citizen, I seek the help of the federal

1 government which has a mandate to restore
2 wolves to their natural range. This range
3 includes the Northeastern United States.

4 MR. THABAULT: Thank you Ms. Kasper.
5 Mr. Owen.

6 MR. OWEN: I want to applaud
7 everybody. I can't imagine sitting here not
8 knowing what the Red Sox and the Yankees are
9 doing right now.

10 My name's Ray Owen. I'm a resident of
11 Orono. I'm professor emeritus of the
12 Department of Wildlife Ecology at the
13 University of Maine and former commissioner
14 of the Maine Department of Inland Fisheries
15 and Wildlife, and I really can't agree with
16 the Department's stand at this time. I
17 really oppose the proposal to delist at this
18 time. I'll just mention a couple of
19 comments.

20 I have been involved in critically
21 reviewing scores of endangered species plans
22 across the country over the last ten years.
23 I have to agree with several comments that
24 those of us in Maine don't consider North and
25 South Dakota and Minnesota in the East, and I

1 think that's a critical point because we're
2 talking about a huge geographical area; and
3 we're talking about two populations which are
4 within the criteria for recovery which are
5 side by side, really just animals just
6 disbursing and extending their range right
7 there. When one looks at the overall goal of
8 the Endangered Species Act, we're really
9 talking about creating populations that, at
10 least from my standpoint, that are not
11 connected, that we're covering the range; and
12 we just have not done that with respect to
13 these two or three populations in these three
14 states of the Midwest. We have studies. We
15 have a lot of habitat in the Northeast, and I
16 think we're getting hung up on red wolves and
17 gray wolves to too much of an extent; so I
18 can't agree with delisting at this point when
19 we have so much of the former range which is
20 unoccupied in the eastern part of the United
21 States.

22 The last point, which has been made, I
23 was heavily involved in the recovery plan and
24 the work on Maine eagles; and as much as I
25 dearly love all the people in Inland

1 Fisheries and Wildlife in the law enforcement
2 division, it does help to have the federal
3 government and the Department of Interior
4 involved in enforcement issues; and I think
5 to leave twelve, fourteen, eighteen states to
6 their own ways as far as enforcing any kind
7 of laws relative to wolves which might occur
8 in the States, I think is not meeting the
9 obligation of the Department of Interior
10 relative to recovery. With eagles, at least,
11 having federal law enforcement people
12 involved made it a much more significant
13 issue when we had illegal activities taking
14 place with endangered species; and working in
15 concert with state law enforcement works much
16 better. So I would urge you to really
17 reconsider this whole proposal. I have no
18 problem with delisting in the Midwest. I
19 think that those animals are secure with the
20 state programs that exist, but we have not
21 dealt with the core issue of the Northeast.
22 Thank you.

23 MR. THABAULT: Thank you Mr. Owen. The
24 next speaker is Natalie Michelle Rapp.

25 MS. RAPP: I was going to pass on

1 commenting tonight, but I feel that I need to
2 say something.

3 I just want do thank John and Brenda for
4 getting up here and speaking out for the
5 wolf.

6 When I was a child I used to listen to
7 my dad tell stories of how they used to see
8 timber wolves here in the area, and very
9 rarely do they ever hear stories of the wolf
10 being here in Maine. It's no big secret that
11 a lot of the ecosystems here in Maine and
12 plants and animals have coincided with the
13 lost of the native culture here in Maine.
14 The wolf is no exception.

15 As Ms. Commander stated earlier, the
16 wolf is very much a part of our culture, both
17 in our cultural beliefs and our spiritual
18 beliefs. This is why I felt that I needed to
19 get up here tonight to speak out for the
20 wolf. Who else would but the native people
21 here who have a very high regard and respect
22 for the animal? I just feel that a total
23 disregard in protection of the wolf would be
24 ignoring our own culture with even the
25 possibility of dismantling any return of our

1 culture whatsoever in the state of Maine.

2 In the past twenty years the young
3 people, the young native people have decided
4 to return to their traditional beliefs and
5 spiritual beliefs; and this includes the
6 wolf. We include the wolf in our prayers
7 every day. As Ms. Commander referred to as
8 molsom, we call (inaudible), and that means
9 great grandfather white wolf. And he is very
10 much a part of our relation, our relation to
11 the earth, the relation to the ecosystems.
12 We are not separated from that. We are one,
13 and so I stand here to oppose the delisting
14 of the wolf because if you delist the wolf,
15 then you're going to delist the native people
16 here in the East. Thank you.

17 MR. THABAULT: Next is Ken Spaulding.

18 MR. SPAULDING: My name is Ken Spaulding
19 and I'm here to present testimony on behalf
20 of Jym St. Pierre, Maine director of RESTORE:
21 The North Woods. RESTORE: The North Woods
22 is a conservation organization with members
23 across Maine, the Northeast and the country.
24 We have been involved in wolf recovery in the
25 Northeast since 1993.

1 RESTORE: The North Woods strongly
2 supports wolf recovery in the Northeast and
3 opposes the proposal to delist the gray wolf
4 in the Eastern Distinct Population Segment.
5 This proposal would be a giant step backward
6 because it would remove federal protection
7 for wolves and preclude the development of a
8 wolf recovery plan for the Northeast.

9 The US Fish and Wildlife Service was on
10 track to update the plan for recovery of the
11 wolf here until four years ago when it
12 reversed direction. We oppose delisting the
13 gray wolf in the Northeast because, one, the
14 original listing of wolves under the
15 Endangered Species Act called for recovery of
16 the species within its historic range,
17 including the Northeast.

18 Two, we have seen no evidence that wolf
19 populations in the Great Lakes states and a
20 future population in the Northeast states,
21 especially Maine, would have overlapping
22 ranges.

23 Three, delisting wolves in the East
24 because they have recovered in the Great
25 Lakes region defies logic and defeats the

1 goal of recovering wolves in the Northeast.
2 There are no self-sustaining wolf populations
3 in the Northeast because no recovery has been
4 undertaken. Rather than help the species,
5 delisting wolves in the Eastern Distinct
6 Population Segment will preclude efforts by
7 the Fish and Wildlife Service to recover
8 wolves here, and it will hamper protection of
9 wolves in the Great Lakes states.

10 Four, without federal protection, the
11 gray wolf will have no protection in the
12 Northeast. Wolves are not currently on the
13 state lists of threatened or endangered
14 species in any of the states in the
15 Northeast, and there is ample evidence that
16 the states will not provide protection.

17 Five, the failure of the US Fish and
18 Wildlife Service to promote northeast wolf
19 recovery will significantly impact the
20 ecological role in this ecosystem.

21 Finally, the gray wolf is a species of
22 national significance. That is why it was
23 one of the first species to be listed under
24 the national Endangered Species Act more than
25 thirty years ago. When our national

1 wildlife agencies will not restore and
2 protect a species of national significance,
3 it is clear that our country's government has
4 forsaken the long-standing commitment to
5 maintaining our rich natural heritage.

6 We urge the following steps be taken:

7 No. 1; abandon the proposal to delist
8 the gray wolf in this region. There is no
9 convincing biological justification for the
10 delisting.

11 No. 2; reclassify the gray wolf in this
12 region as an Eastern Distinct Population
13 Segment. It should not be lumped in with
14 wolf populations in the Great Lakes region.

15 No. 3; initiate a regional recovery
16 planning process for the species.

17 No. 4; undertake a feasibility study to
18 identify lands in this region suitable for
19 public acquisition by our national agencies
20 from willing sellers. Wolves need public
21 conservation areas where they are fully
22 protected if the species is to have a chance
23 of recovery. Every other wolf recovery area
24 in the United States depends on public lands
25 for core habitat where wolves can roam wild

1 and free.

2 No. 5; experiments in other regions show
3 that wolves help maintain a dynamic balance
4 with prey populations, increase the health of
5 the ecosystems and enhance the experience of
6 hunting in the wild. The October 2004 issue
7 of National Geographic appears to be a major
8 factor in significantly improving the health
9 of riverine ecosystems in that park.

10 Wolf recovery is not just about
11 recovering one species; it is about
12 recovering the health of entire ecosystems
13 and restoring the full range of bio-diversity
14 to the North Woods. That is why we need to
15 move ahead as quickly as possible to recover
16 the gray wolf by helping the species prosper
17 in the few places where it has the last and
18 best chance of survival in the Northeast. It
19 is a good idea. It is biologically the right
20 thing to do. It is morally the right thing
21 to do. It has substantial public support,
22 and it is the intent of the law.

23 Thank you for the opportunity to present
24 these comments.

25 MR. THABAULT: Thank you Mr. Spaulding.

1 Ms. Jody Jones.

2 MR. JONES: My name is Jody Jones, and
3 I'm a wildlife ecologist with the Maine
4 Audubon Society representing over 11,000
5 members and supporters here in Maine. I'd
6 like to welcome you to Maine and to thank you
7 for the opportunity to comment on your
8 proposal to delist the wolf in the Eastern
9 DPS. I'll be making two main points this
10 evening, both of which are opposing the
11 delisting proposal and will be submitting
12 written comments by November 18th.

13 My first main point is US Fish and
14 Wildlife Service has not conducted adequate
15 studies to determine the existence of wolf
16 populations in the Northeast. And before you
17 conclude that there are no wolves in Maine,
18 urge you to look at the federal listing of
19 the Canada lynx to see what can be learned
20 about the range, the distribution, population
21 size and trends of a rare and wide-ranging
22 species if we actually spend time and money
23 looking for them.

24 Before the lynx was listed, the Maine
25 Department of Inland Fisheries and Wildlife

1 opposed the listing, indicating there was no
2 evidence that lynx actually bred in Maine.
3 After the lynx was listed and state and
4 federal resources were allocated to look for
5 the animals, we found that since 1999 the
6 lynx research project has reported capturing
7 93 lynx, located 23 dens and handling 63
8 kittens. So in the short period of time,
9 five years, we've gone from we don't think we
10 have any or at least no breeding pairs to a
11 substantial population.

12 We are now hearing the same refrain
13 about the gray wolf, even though US Fish and
14 Wildlife Service has confirmed the presence
15 of four wolves in the Northeast. The claim
16 is that there is still no evidence that the
17 population of wolves is breeding in the
18 Northeast. Unfortunately, all the confirmed
19 wolves were shot, including the 63 pound
20 female killed in Northwestern Maine in 1993.
21 In Maine, the areas where wolves and lynx are
22 likely to be encountered are extremely
23 remote, difficult to access and home to very
24 few people. Just like the lynx, it is
25 unlikely wolves that are in Maine would be

1 encountered with the extremely limited effort
2 that has been made. We have spent much time
3 and money searching for lynx and we have
4 found them. The physical evidence required
5 to confirm the presence of wolves is just as
6 difficult, if not more so, than it was for
7 the lynx.

8 It's unfortunate that we even had to
9 rely on carcasses to confirm the presence of
10 at least some wolves. The lesson of the lynx
11 listing combined with the northeast wolf
12 specimen shot is that we have not adequately
13 answered the question: Do wolves exist here
14 in Maine? We have looked for them enough;
15 therefore, we cannot conclude they're
16 absent. This is important because if the
17 gray wolf occurs in the Northeast, we would
18 be required to protect them until they
19 occurred in significant numbers that they
20 qualify for delisting.

21 This brings me to my second point. The
22 Northeast DPS is a significant component for
23 the recovery of the gray wolf. I think a lot
24 of folks have articulated this pretty well,
25 and I think one of the sort of obvious things

1 is how is Maine in the northeast part of the
2 Great Lakes population? We do not believe
3 it's scientifically defensible to conclude
4 that the Great Lakes population of gray
5 wolves will adequately protect wolves in the
6 Northeast. The Northeast DPS is contiguous
7 with the wolf population in the Southeastern
8 Canada and separate from the Great Lakes
9 population. The US Fish and Wildlife Service
10 and the consensus of peer reviewers
11 acknowledges that significance of the
12 northeastern wolf population. We believe you
13 have an obligation to promote wolf recovery
14 of the gray wolf in the Northeast and that
15 the gray wolf population is at risk without
16 such recovery efforts. The wolf now, as you
17 know, occupies only about five percent of its
18 historic range; and we do not believe this
19 can be characterized as a significant
20 portion.

21 As you know, Maine Audubon has joined
22 one of the two lawsuits that challenged the
23 Fish and Wildlife 2003 reclassification rule
24 which lumped the Northeast DPS with the Great
25 Lakes population of wolves. We believe that

1 scientific evidence outlined in the lawsuit
2 will not support combining these two separate
3 populations into one DPS and urge you to
4 just, based on procedural grounds, to first
5 resolve the legitimate concerns that were
6 raised in those lawsuits and not move forward
7 with this classification proposal.

8 I'd like to also add the tribal concerns
9 that have been voiced here supports the fact
10 that you have not done what needs to be done
11 to reach out to find out either information
12 or work with the tribes.

13 In conclusion, we regret the Fish and
14 Wildlife Service's decision to create an
15 Eastern DPS which affectively terminates
16 recovery efforts where there is great grounds
17 for wolves. Here in Maine we have a
18 relatively remote and unpopulated landscape,
19 an excellent habitat for gray wolves. We
20 hope the Northeast can someday be a place
21 where the full component of species could
22 once again occur. I look forward to working
23 with you and others to assure wolf recovery
24 is still possible in the Northeast, and I
25 appreciate the opportunity to testify and

1 your willingness to travel to Maine to hear
2 our views. Thank you.

3 MR. THABAULT: Thank you Ms. Jones. I
4 have reached the end of my registered cards
5 so far. Is there anybody that wishes to
6 speak that is not registered as a speaker?
7 Does anybody who has spoken want to augment
8 their comments at this time?

9 I would like to thank everybody here who
10 has spoken. It's 9:15. We will be here
11 until 9:30. We will go off the record for
12 about ten minutes and we'll come back and
13 barring any others that may want to present
14 comments, we will close the hearing at 9:30.

15 (A 15-minute recess was taken.)

16 Okay ladies and gentlemen, we're going
17 to be going on the record for about three
18 minutes here to close off the hearing. Thank
19 you. If nobody else wishes to speak --
20 excuse me, we're back on the record to close
21 the hearing real quickly please. Thank you.
22 If anybody wants to speak to go on record,
23 barring that, I would like to thank all the
24 participants that came. I appreciate the
25 effort, and on behalf of the Fish and

1 Wildlife Service, thank you. The hearing is
2 now officially closed and off the record and
3 you can go back to having a conversation.

4 Thank you very much.

5 (This public hearing concluded at 9:30
6 p.m. this date.)

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CERTIFICATE

I, Tammy Marie Smith, a Notary Public in and for the State of Maine, hereby certify that on the 20th day of October 2004 the within-named individual made public comment regarding the aforementioned cause of action.

I further certified that I am a disinterested person in the event or outcome in the above-named cause of action.

IN WITNESS WHEREOF, I subscribe my hand and affix my seal this 29th day of October 2004.



Tammy M. Smith, Notary Public
My Commission Expires February 28, 2010